



AMENDED COMPLIANT 07-CV-212C  
 UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF NEW YORK

**FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT  
 (Non-Prisoner Context)**

All material filed in this Court is now available via the INTERNET. See **Pro Se Privacy Notice** for further information.

**1. CAPTION OF ACTION**

**A. Full Name of Plaintiff:** NOTE: *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.*

Theresa Williams

-vs-

**B. Full Name(s) of Defendant(s)** NOTE: *Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.*

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|----------------------------------------|---------------------------------|
| 1. <u>U.S. Treasury</u>                | 4. <u>Entergy Service, Inc.</u> |
| 2. <u>c/o Internal Revenue Service</u> | 5. _____                        |
| 3. <u>T.Rowe Price</u>                 | 6. _____                        |

**2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT**

*All of these sections **MUST** be answered*

*Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.*

A. Basis of Jurisdiction in Federal Court: The Claim has the following: diversity  
jurisdiction, federal question and federal law.

*State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.*

B. Reason for Venue in the Western District: Plaintiff is financially challenged,  
local agents are within venue and sponsor(Entergy Ser, Inc.) is  
able to be included in venue due to federal classification.

*Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.*

C. Nature of Suit: Failure of employer(Entergy) to classify employee(Theresa)  
correctly to the I.R.S. Failure of the employer to adhere to  
E.R.I.S.A's recordkeeping requirements. Failure of employer  
to adhere to the fiduciary responsibility in proper coding in  
to the, I.R.S. and T.Rowe Price.

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**3. PARTIES TO THIS ACTION**

**PLAINTIFF'S INFORMATION** NOTE: *To list additional plaintiffs, use this format on another sheet of paper.*

Name of First Plaintiff: Theresa Williams

Present Address: P.O. Box 435

Buffalo, New York 14240-0435

Name of Second Plaintiff: N/A

Present Address: \_\_\_\_\_

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**DEFENDANT'S INFORMATION** NOTE: *To list additional defendants, use this format on another sheet of paper.*

Name of First Defendant: U.S. Treasury c/o Internal Revenue Service.

(E.R.I.S.A-Benefits)  
Official Position of Defendant (if relevant): Mr. Richard Pearl, Mgr.(Buffalo, NY)

Address of Defendant: 130 So. Elmwood Ave.

Buffalo, New York 14204

Name of Second Defendant: T.Rowe Price(Savings Plan of Entergy)

Official Position of Defendant (if relevant): Alice Blathis, Team Coordinator  
John McNaulty & Sharon Marcus.

Address of Defendant: 4555 Painters Mill Rd.  
Owings Mills, MD 21117

Name of Third Defendant: Entergy Services, Inc.

Official Position of Defendant (if relevant): Terry Seamons, Sr. Vice President, Human  
Resources and Administration.

Address of Defendant: L-Ent-14F  
639 Loyola. Ave.

New Orleans, LA 70113

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**4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes \_\_\_ No xxx

If Yes, complete the next section. NOTE: *If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_

3. Docket or Index Number: \_\_\_\_\_

4. Name of Judge to whom case was assigned: \_\_\_\_\_

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check those statements which apply):

\_\_\_\_\_ Dismissed (check the statement which indicates why it was dismissed):

\_\_\_\_\_ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

\_\_\_\_\_ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

\_\_\_\_\_ By court due to your voluntary withdrawal of claim;

\_\_\_\_\_ Judgment upon motion or after trial entered for

\_\_\_\_\_ plaintiff

\_\_\_\_\_ defendant.

## 5. STATEMENT OF CLAIM

**Please note** that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

**Fed.R.Civ.P. 8(a)** states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

**Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

**A. FIRST CLAIM:** On (date of the incident) Internal Revenue Service, in the year of 2004, claimed that I owed taxes in the amount of \$44,000.00. defendant (give the name and (if relevant) the position held of each defendant involved in this incident) \_\_\_\_\_

This income reported by T.Rowe Price and Agents was incorrect,

however this income was corrected in the year of 2005. But the underline problem was the coding on the 1099 reported by the sponsor(Entergy Services, Inc.) 3

did the following to me (briefly state what each defendant named above did): Interest, penalties and failure to file. accumulated due to the incorrectness of the 1099 forms that the I.R.S had received. To correct this problem as per. sponsor(Entergy Services, Inc.) stated that it was my responsibility to inform the I.R.S of my status, as per I.R.S. it is the Plan Administrator and the Company to provide accurate information to us for proper assessment. Untill, this matter has been resolve all interst and penalties will remain as is.

The federal basis for this claim is: Fraudulent income reporting on T.Rowe Price statements to the I.R.S.

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*  
To have interest, penalties, fines and levy release. To be award damages for pain & suffering compensation. To have my savings plan account compensated for this gross negligent act from the sponsor.

**B. SECOND CLAIM:** On (date of the incident) Entergy Services, Inc. in the year of 2002., coded me incorrectly due to an unlawful layoff. defendant (give the name and (if relevant) position held of each defendant involved in this incident)

Entergy Services, Inc. intentionally, coded my 1099 incorrectly to impose harm, finacial hardship and other harmful acts to a life style change to do me harm. My status of employment in did the following to me (briefly state what each defendant named above did): relation to my savings and tax code was known to the sponsor (Entergy Services, Inc.) in the year of 1998/1999. This intentional act to inflict financial hardship upon me is unjustified. A correct 1099 reflecting the code in box#7 should be 3 instead of a 1.

The federal basis for this claim is: Federal fraud to impose harm or imprisonment on an individual, collecting disability payments.

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*  
To have the court to impose necessary fines on the sponsor,  
To have the court to correct with the I.R.S and T.Rowe Price income and codes in box# 7. To be awarded any damages.

If you have additional claims, use the above format to set them out on additional sheets of paper.

